



Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

SS SCS HCS HB 215

entitled:

AN ACT

To repeal sections 43.518, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 217.345, 217.703, 339.100, 375.1312, 544.455, 556.036, 556.037, 556.061, 557.011, 558.018, 558.026, 559.036, 559.100, 559.105, 559.115, 559.117, 566.020, 566.030, 566.040, 566.060, 566.070, 566.090, 566.093, 566.095, 566.100, 566.224, 566.226, 570.120, 573.037, 589.015, 590.700, 595.220, 600.011, 600.040, 600.042, 600.048, 632.480, 632.498, and 632.505, RSMo, and to enact in lieu thereof fifty-two new sections relating to criminal procedures, with penalty provisions, and an emergency clause for certain sections.

WITH SA1

EC - Adopted.

In which the concurrence of the House is respectfully requested.

Respectfully,

MAY 17 2013

Terry L. Spieler
Secretary of the Senate

SENATE AMENDMENT NO. 1Offered by Justus of 10thAmend SS/SCS/HCS/House Bill No. 215, Page 59, Section 375.1312, Line 25

2 of said page, by inserting after all of said line the following:

3 "455.010. As used in this chapter, unless the context
4 clearly indicates otherwise, the following terms shall mean:

5 (1) "Abuse" includes but is not limited to the occurrence
6 of any of the following acts, attempts or threats against a
7 person who may be protected pursuant to this chapter, except
8 abuse shall not include abuse inflicted on a child by accidental
9 means by an adult household member or discipline of a child,
10 including spanking, in a reasonable manner:

11 (a) "Assault", purposely or knowingly placing or attempting
12 to place another in fear of physical harm;

13 (b) "Battery", purposely or knowingly causing physical harm
14 to another with or without a deadly weapon;

15 (c) "Coercion", compelling another by force or threat of
16 force to engage in conduct from which the latter has a right to
17 abstain or to abstain from conduct in which the person has a
18 right to engage;

19 (d) "Harassment", engaging in a purposeful or knowing
20 course of conduct involving more than one incident that alarms or
21 causes distress to an adult or child and serves no legitimate

Offered 5/16/13
Adopted "

1 purpose. The course of conduct must be such as would cause a
2 reasonable adult or child to suffer substantial emotional
3 distress and must actually cause substantial emotional distress
4 to the petitioner or child. Such conduct might include, but is
5 not limited to:

6 a. Following another about in a public place or places;

7 b. Peering in the window or lingering outside the residence
8 of another; but does not include constitutionally protected
9 activity;

10 (e) "Sexual assault", causing or attempting to cause
11 another to engage involuntarily in any sexual act by force,
12 threat of force, or duress;

13 (f) "Unlawful imprisonment", holding, confining, detaining
14 or abducting another person against that person's will;

15 (2) "Adult", any person seventeen years of age or older or
16 otherwise emancipated;

17 (3) "Child", any person under seventeen years of age unless
18 otherwise emancipated;

19 (4) "Court", the circuit or associate circuit judge or a
20 family court commissioner;

21 (5) "Domestic violence", abuse or stalking committed by a
22 family or household member, as [both] such terms are defined in
23 this section;

24 (6) "Ex parte order of protection", an order of protection
25 issued by the court before the respondent has received notice of
26 the petition or an opportunity to be heard on it;

27 (7) "Family" or "household member", spouses, former
28 spouses, any person related by blood or marriage, persons who are
29 presently residing together or have resided together in the past,

1 any person who is or has been in a continuing social relationship
2 of a romantic or intimate nature with the victim, and anyone who
3 has a child in common regardless of whether they have been
4 married or have resided together at any time;

5 (8) "Full order of protection", an order of protection
6 issued after a hearing on the record where the respondent has
7 received notice of the proceedings and has had an opportunity to
8 be heard;

9 (9) "Order of protection", either an ex parte order of
10 protection or a full order of protection;

11 (10) "Pending", exists or for which a hearing date has been
12 set;

13 (11) "Petitioner", a family or household member who has
14 been a victim of domestic violence, or any person who has been
15 the victim of stalking, or a person filing on behalf of a child
16 pursuant to section 455.503 who has filed a verified petition
17 pursuant to the provisions of section 455.020 or section 455.505;

18 (12) "Respondent", the family or household member alleged
19 to have committed an act of domestic violence, or person alleged
20 to have committed an act of stalking, against whom a verified
21 petition has been filed or a person served on behalf of a child
22 pursuant to section 455.503;

23 (13) "Stalking" is when any person purposely and repeatedly
24 engages in an unwanted course of conduct that causes alarm to
25 another person when it is reasonable in that person's situation
26 to have been alarmed by the conduct. As used in this
27 subdivision:

28 (a) "Alarm" means to cause fear of danger of physical harm;

29 (b) "Course of conduct" means a pattern of conduct composed

1 of repeated acts over a period of time, however short, that
2 serves no legitimate purpose. Such conduct may include, but is
3 not limited to, following the other person or unwanted
4 communication or unwanted contact; and

5 (c) "Repeated" means two or more incidents evidencing a
6 continuity of purpose.

7 455.015. The petition shall be filed in the county where
8 the petitioner resides, where the alleged incident of [abuse]
9 domestic violence occurred, or where the respondent may be
10 served.

11 455.020. 1. Any [adult] person who has been subject to
12 domestic violence by a present or former family or household
13 member, or who has been the victim of stalking, may seek relief
14 under sections 455.010 to 455.085 by filing a verified petition
15 alleging such domestic violence or stalking by the respondent.

16 2. [An adult's] A person's right to relief under sections
17 455.010 to 455.085 shall not be affected by [his] the person
18 leaving the residence or household to avoid domestic violence.

19 3. Any protection order issued pursuant to sections 455.010
20 to 455.085 shall be effective throughout the state in all cities
21 and counties.

22 455.030. 1. When the court is unavailable after business
23 hours or on holidays or weekends, a verified petition for
24 protection from [abuse] domestic violence or a motion for hearing
25 on violation of any order of protection under sections 455.010 to
26 455.085 may be filed before any available court in the city or
27 county having jurisdiction to hear the petition pursuant to the
28 guidelines developed pursuant to subsection 4 of this section.
29 An ex parte order may be granted pursuant to section 455.035.

1 2. All papers in connection with the filing of a petition
2 or the granting of an ex parte order of protection or a motion
3 for a hearing on a violation of an order of protection under this
4 section shall be certified by such court or the clerk within the
5 next regular business day to the circuit court having
6 jurisdiction to hear the petition.

7 3. A petitioner seeking a protection order shall not be
8 required to reveal any current address or place of residence
9 except to the court in camera for the purpose of determining
10 jurisdiction and venue. The petitioner may be required to
11 provide a mailing address unless the petitioner alleges that he
12 or she would be endangered by such disclosure, or that other
13 family or household members would be endangered by such
14 disclosure. Effective January 1, 2004, a petitioner shall not be
15 required to provide his or her Social Security number on any
16 petition or document filed in connection with a protection order;
17 except that, the court may require that a petitioner's Social
18 Security number be retained on a confidential case sheet or other
19 confidential record maintained in conjunction with the
20 administration of the case.

21 4. The supreme court shall develop guidelines which ensure
22 that a verified petition may be filed on holidays, evenings and
23 weekends.

24 455.032. In addition to any other jurisdictional grounds
25 provided by law, a court shall have jurisdiction to enter an
26 order of protection restraining or enjoining the respondent from
27 [abusing, threatening to abuse] committing or threatening to
28 commit domestic violence, stalking, molesting or disturbing the
29 peace of petitioner, pursuant to sections 455.010 to 455.085, if

1 the petitioner is present, whether permanently or on a temporary
2 basis within the state of Missouri and if the respondent's
3 actions constituting [abuse] domestic violence have occurred,
4 have been attempted or have been or are threatened within the
5 state of Missouri. For purposes of this section, if the
6 petitioner has been the subject of [abuse] domestic violence
7 within or outside of the state of Missouri, such evidence shall
8 be admissible to demonstrate the need for protection in Missouri.

9 455.035. 1. Upon the filing of a verified petition
10 pursuant to sections 455.010 to 455.085 and for good cause shown
11 in the petition, the court may immediately issue an ex parte
12 order of protection. An immediate and present danger of [abuse]
13 domestic violence to the petitioner or the child on whose behalf
14 the petition is filed shall constitute good cause for purposes of
15 this section. An ex parte order of protection entered by the
16 court shall take effect when entered and shall remain in effect
17 until there is valid service of process and a hearing is held on
18 the motion. The court shall deny the ex parte order and dismiss
19 the petition if the petitioner is not authorized to seek relief
20 pursuant to section 455.020.

21 2. Failure to serve an ex parte order of protection on the
22 respondent shall not affect the validity or enforceability of
23 such order. If the respondent is less than seventeen years of
24 age, unless otherwise emancipated, service of process shall be
25 made upon a custodial parent or guardian of the respondent, or
26 upon a guardian ad litem appointed by the court, requiring that
27 the person appear and bring the respondent before the court at
28 the time and place stated.

29 3. If an ex parte order is entered and [the allegations in

1 the petition would give rise to jurisdiction under section
2 211.031 because] the respondent is less than seventeen years of
3 age, the court shall transfer the case to juvenile court for a
4 hearing on a full order of protection. The court shall appoint a
5 guardian ad litem for any such respondent not represented by a
6 parent or guardian.

7 455.040. 1. Not later than fifteen days after the filing
8 of a petition [pursuant to sections 455.010 to 455.085] that
9 meets the requirements of section 455.020, a hearing shall be
10 held unless the court deems, for good cause shown, that a
11 continuance should be granted. At the hearing, if the petitioner
12 has proved the allegation of [abuse] domestic violence or
13 stalking by a preponderance of the evidence, and the respondent
14 cannot show that his or her actions alleged to constitute abuse
15 were otherwise justified under the law, the court shall issue a
16 full order of protection for a period of time the court deems
17 appropriate, except that the protective order shall be valid for
18 at least one hundred eighty days and not more than one year.
19 Upon motion by the petitioner, and after a hearing by the court,
20 the full order of protection may be renewed for a period of time
21 the court deems appropriate, except that the protective order
22 shall be valid for at least one hundred eighty days and not more
23 than one year from the expiration date of the originally issued
24 full order of protection. The court may, upon finding that it is
25 in the best interest of the parties, include a provision that any
26 full order of protection for one year shall automatically renew
27 unless the respondent requests a hearing by thirty days prior to
28 the expiration of the order. If for good cause a hearing cannot
29 be held on the motion to renew or the objection to an automatic

1 renewal of the full order of protection prior to the expiration
2 date of the originally issued full order of protection, an ex
3 parte order of protection may be issued until a hearing is held
4 on the motion. When an automatic renewal is not authorized, upon
5 motion by the petitioner, and after a hearing by the court, the
6 second full order of protection may be renewed for an additional
7 period of time the court deems appropriate, except that the
8 protective order shall be valid for at least one hundred eighty
9 days and not more than one year. For purposes of this
10 subsection, a finding by the court of a subsequent act of [abuse]
11 domestic violence or stalking is not required for a renewal order
12 of protection.

13 2. The court shall cause a copy of the petition and notice
14 of the date set for the hearing on such petition and any ex parte
15 order of protection to be served upon the respondent as provided
16 by law or by any sheriff or police officer at least three days
17 prior to such hearing. [Such notice shall be served at the
18 earliest time, and service of such notice shall take priority
19 over service in other actions, except those of a similar
20 emergency nature.] The court shall cause a copy of any full order
21 of protection to be served upon or mailed by certified mail to
22 the respondent at the respondent's last known address. Notice of
23 an ex parte or full order of protection shall be served at the
24 earliest time, and service of such notice shall take priority
25 over service in other actions, except those of a similar
26 emergency nature. Failure to serve or mail a copy of the full
27 order of protection to the respondent shall not affect the
28 validity or enforceability of a full order of protection.

29 3. A copy of any order of protection granted pursuant to

1 sections 455.010 to 455.085 shall be issued to the petitioner and
2 to the local law enforcement agency in the jurisdiction where the
3 petitioner resides. The clerk shall also issue a copy of any
4 order of protection to the local law enforcement agency
5 responsible for maintaining the Missouri uniform law enforcement
6 system or any other comparable law enforcement system the same
7 day the order is granted. The law enforcement agency responsible
8 for maintaining MULES shall, for purposes of verification, within
9 twenty-four hours from the time the order is granted, enter
10 information contained in the order including but not limited to
11 any orders regarding child custody or visitation and all
12 specifics as to times and dates of custody or visitation that are
13 provided in the order. A notice of expiration or of termination
14 of any order of protection or any change in child custody or
15 visitation within that order shall be issued to the local law
16 enforcement agency and to the law enforcement agency responsible
17 for maintaining MULES or any other comparable law enforcement
18 system. The law enforcement agency responsible for maintaining
19 the applicable law enforcement system shall enter such
20 information in the system within twenty-four hours of receipt of
21 information evidencing such expiration or termination. The
22 information contained in an order of protection may be entered in
23 the Missouri uniform law enforcement system or comparable law
24 enforcement system using a direct automated data transfer from
25 the court automated system to the law enforcement system.

26 4. The court shall cause a copy of any objection filed by
27 the respondent and notice of the date set for the hearing on such
28 objection to an automatic renewal of a full order of protection
29 for a period of one year to be personally served upon the

1 petitioner by personal process server as provided by law or by a
2 sheriff or police officer at least three days prior to such
3 hearing. Such service of process shall be served at the earliest
4 time and shall take priority over service in other actions except
5 those of a similar emergency nature.

6 455.045. Any ex parte order of protection granted pursuant
7 to sections 455.010 to 455.085 shall be to protect the petitioner
8 from [abuse] domestic violence or stalking and may include:

9 (1) Restraining the respondent from [abusing, threatening
10 to abuse] committing or threatening to commit domestic violence,
11 molesting, stalking or disturbing the peace of the petitioner;

12 (2) Restraining the respondent from entering the premises
13 of the dwelling unit of petitioner when the dwelling unit is:

14 (a) Jointly owned, leased or rented or jointly occupied by
15 both parties; or

16 (b) Owned, leased, rented or occupied by petitioner
17 individually; or

18 (c) Jointly owned, leased or rented by petitioner and a
19 person other than respondent; provided, however, no spouse shall
20 be denied relief pursuant to this section by reason of the
21 absence of a property interest in the dwelling unit; or

22 (d) Jointly occupied by the petitioner and a person other
23 than the respondent; provided that the respondent has no property
24 interest in the dwelling unit;

25 (3) Restraining the respondent from communicating with the
26 petitioner in any manner or through any medium;

27 (4) A temporary order of custody of minor children where
28 appropriate.

29 455.050. 1. Any full or ex parte order of protection

1 granted pursuant to sections 455.010 to 455.085 shall be to
2 protect the petitioner from domestic violence and may include
3 such terms as the court reasonably deems necessary to ensure the
4 petitioner's safety, including but not limited to:

5 (1) Temporarily enjoining the respondent from [abusing,
6 threatening to abuse] committing or threatening to commit
7 domestic violence, molesting, stalking or disturbing the peace of
8 the petitioner;

9 (2) Temporarily enjoining the respondent from entering the
10 premises of the dwelling unit of the petitioner when the dwelling
11 unit is:

12 (a) Jointly owned, leased or rented or jointly occupied by
13 both parties; or

14 (b) Owned, leased, rented or occupied by petitioner
15 individually; or

16 (c) Jointly owned, leased, rented or occupied by petitioner
17 and a person other than respondent; provided, however, no spouse
18 shall be denied relief pursuant to this section by reason of the
19 absence of a property interest in the dwelling unit; or

20 (d) Jointly occupied by the petitioner and a person other
21 than respondent; provided that the respondent has no property
22 interest in the dwelling unit; or

23 (3) Temporarily enjoining the respondent from communicating
24 with the petitioner in any manner or through any medium.

25 2. Mutual orders of protection are prohibited unless both
26 parties have properly filed written petitions and proper service
27 has been made in accordance with sections 455.010 to 455.085.

28 3. When the court has, after a hearing for any full order
29 of protection, issued an order of protection, it may, in

1 addition:

2 (1) Award custody of any minor child born to or adopted by
3 the parties when the court has jurisdiction over such child and
4 no prior order regarding custody is pending or has been made, and
5 the best interests of the child require such order be issued;

6 (2) Establish a visitation schedule that is in the best
7 interests of the child;

8 (3) Award child support in accordance with supreme court
9 rule 88.01 and chapter 452;

10 (4) Award maintenance to petitioner when petitioner and
11 respondent are lawfully married in accordance with chapter 452;

12 (5) Order respondent to make or to continue to make rent or
13 mortgage payments on a residence occupied by the petitioner if
14 the respondent is found to have a duty to support the petitioner
15 or other dependent household members;

16 (6) Order the respondent to pay the petitioner's rent at a
17 residence other than the one previously shared by the parties if
18 the respondent is found to have a duty to support the petitioner
19 and the petitioner requests alternative housing;

20 (7) Order that the petitioner be given temporary possession
21 of specified personal property, such as automobiles, checkbooks,
22 keys, and other personal effects;

23 (8) Prohibit the respondent from transferring, encumbering,
24 or otherwise disposing of specified property mutually owned or
25 leased by the parties;

26 (9) Order the respondent to participate in a court-approved
27 counseling program designed to help batterers stop violent
28 behavior or to participate in a substance abuse treatment
29 program;

1 (10) Order the respondent to pay a reasonable fee for
2 housing and other services that have been provided or that are
3 being provided to the petitioner by a shelter for victims of
4 domestic violence;

5 (11) Order the respondent to pay court costs;

6 (12) Order the respondent to pay the cost of medical
7 treatment and services that have been provided or that are being
8 provided to the petitioner as a result of injuries sustained to
9 the petitioner by an act of domestic violence committed by the
10 respondent.

11 4. A verified petition seeking orders for maintenance,
12 support, custody, visitation, payment of rent, payment of
13 monetary compensation, possession of personal property,
14 prohibiting the transfer, encumbrance, or disposal of property,
15 or payment for services of a shelter for victims of domestic
16 violence, shall contain allegations relating to those orders and
17 shall pray for the orders desired.

18 5. In making an award of custody, the court shall consider
19 all relevant factors including the presumption that the best
20 interests of the child will be served by placing the child in the
21 custody and care of the nonabusive parent, unless there is
22 evidence that both parents have engaged in abusive behavior, in
23 which case the court shall not consider this presumption but may
24 appoint a guardian ad litem or a court-appointed special advocate
25 to represent the children in accordance with chapter 452 and
26 shall consider all other factors in accordance with chapter 452.

27 6. The court shall grant to the noncustodial parent rights
28 to visitation with any minor child born to or adopted by the
29 parties, unless the court finds, after hearing, that visitation

1 would endanger the child's physical health, impair the child's
2 emotional development or would otherwise conflict with the best
3 interests of the child, or that no visitation can be arranged
4 which would sufficiently protect the custodial parent from
5 further [abuse] domestic violence. The court may appoint a
6 guardian ad litem or court-appointed special advocate to
7 represent the minor child in accordance with chapter 452 whenever
8 the custodial parent alleges that visitation with the
9 noncustodial parent will damage the minor child.

10 7. The court shall make an order requiring the noncustodial
11 party to pay an amount reasonable and necessary for the support
12 of any child to whom the party owes a duty of support when no
13 prior order of support is outstanding and after all relevant
14 factors have been considered, in accordance with Missouri supreme
15 court rule 88.01 and chapter 452.

16 8. The court may grant a maintenance order to a party for a
17 period of time, not to exceed one hundred eighty days. Any
18 maintenance ordered by the court shall be in accordance with
19 chapter 452.

20 455.060. 1. After notice and hearing, the court may modify
21 an order of protection at any time, upon subsequent motion filed
22 by the guardian ad litem, the court-appointed special advocate or
23 by either party together with an affidavit showing a change in
24 circumstances sufficient to warrant the modification. All full
25 orders of protection shall be final orders and appealable and
26 shall be for a fixed period of time as provided in section
27 455.040.

28 2. Any order for child support, custody, temporary custody,
29 visitation or maintenance entered under sections 455.010 to

1 455.085 shall terminate prior to the time fixed in the order upon
2 the issuance of a subsequent order pursuant to chapter 452 or any
3 other Missouri statute.

4 3. No order entered pursuant to sections 455.010 to 455.085
5 shall be res judicata to any subsequent proceeding, including,
6 but not limited to, any action brought under chapter 452[, RSMo
7 1978, as amended].

8 4. All provisions of an order of protection shall terminate
9 upon entry of a decree of dissolution of marriage or legal
10 separation except as to those provisions which require the
11 respondent to participate in a court-approved counseling program
12 or enjoin the respondent from [abusing, molesting, stalking or
13 disturbing the peace of] committing an act of domestic violence
14 against the petitioner and which enjoin the respondent from
15 entering the premises of the dwelling unit of the petitioner as
16 described in the order of protection when the petitioner
17 continues to reside in that dwelling unit unless the respondent
18 is awarded possession of the dwelling unit pursuant to a decree
19 of dissolution of marriage or legal separation.

20 5. Any order of protection or order for child support,
21 custody, temporary custody, visitation or maintenance entered
22 under sections 455.010 to 455.085 shall terminate upon the order
23 of the court granting a motion to terminate the order of
24 protection by the petitioner. [The court shall set the motion to
25 dismiss for hearing and both parties shall have an opportunity to
26 be heard.] Prior to terminating any order of protection, the
27 court may [examine the circumstances of the motion to dismiss and
28 may] inquire of the petitioner or others in order to [assist the
29 court in determining if] determine whether the dismissal is

1 voluntary.

2 6. The order of protection may not change the custody of
3 children when an action for dissolution of marriage has been
4 filed or the custody has previously been awarded by a court of
5 competent jurisdiction.

6 455.080. 1. Law enforcement agencies may establish
7 procedures to ensure that dispatchers and officers at the scene
8 of an alleged incident of [abuse] domestic violence or stalking
9 or violation of an order of protection can be informed of any
10 recorded prior incident of [abuse] domestic violence or stalking
11 involving the abused party and can verify the effective dates and
12 terms of any recorded order of protection.

13 2. The law enforcement agency shall apply the same standard
14 for response to an alleged incident of [abuse] domestic violence
15 or stalking or a violation of any order of protection as applied
16 to any like offense involving strangers, except as otherwise
17 provided by law. Law enforcement agencies shall not assign lower
18 priority to calls involving alleged incidents of [abuse] domestic
19 violence or stalking or violation of protection orders than is
20 assigned in responding to offenses involving strangers.
21 Existence of any of the following factors shall be interpreted as
22 indicating a need for immediate response:

23 (1) The caller indicates that violence is imminent or in
24 progress; or

25 (2) A protection order is in effect; or

26 (3) The caller indicates that incidents of domestic
27 violence have occurred previously between the parties.

28 3. Law enforcement agencies may establish domestic crisis
29 teams or, if the agency has fewer than five officers whose

1 responsibility it is to respond to calls of this nature,
2 individual officers trained in methods of dealing with [family
3 and household quarrels] domestic violence. Such teams or
4 individuals may be supplemented by social workers, ministers or
5 other persons trained in counseling or crisis intervention. When
6 an alleged incident of [family or household abuse] domestic
7 violence is reported, the agency may dispatch a crisis team or
8 specially trained officer, if available, to the scene of the
9 incident.

10 4. The officer at the scene of an alleged incident of
11 [abuse] domestic violence or stalking shall inform the abused
12 party of available judicial remedies for relief from [adult
13 abuse] domestic violence and of available shelters for victims of
14 domestic violence.

15 5. Law enforcement officials at the scene shall provide or
16 arrange transportation for the abused party to a medical facility
17 for treatment of injuries or to a place of shelter or safety.

18 455.085. 1. When a law enforcement officer has probable
19 cause to believe a party has committed a violation of law
20 amounting to [abuse or assault] domestic violence, as defined in
21 section 455.010, against a family or household member, the
22 officer may arrest the offending party whether or not the
23 violation occurred in the presence of the arresting officer.
24 When the officer declines to make arrest pursuant to this
25 subsection, the officer shall make a written report of the
26 incident completely describing the offending party, giving the
27 victim's name, time, address, reason why no arrest was made and
28 any other pertinent information. Any law enforcement officer
29 subsequently called to the same address within a twelve-hour

1 period, who shall find probable cause to believe the same
2 offender has again committed a violation as stated in this
3 subsection against the same or any other family or household
4 member, shall arrest the offending party for this subsequent
5 offense. The primary report of nonarrest in the preceding
6 twelve-hour period may be considered as evidence of the
7 defendant's intent in the violation for which arrest occurred.
8 The refusal of the victim to sign an official complaint against
9 the violator shall not prevent an arrest under this subsection.

10 2. When a law enforcement officer has probable cause to
11 believe that a party, against whom a protective order has been
12 entered and who has notice of such order entered, has committed
13 an act of abuse in violation of such order, the officer shall
14 arrest the offending party-respondent whether or not the
15 violation occurred in the presence of the arresting officer.
16 Refusal of the victim to sign an official complaint against the
17 violator shall not prevent an arrest under this subsection.

18 3. When an officer makes an arrest [he], the officer is not
19 required to arrest two parties involved in an assault when both
20 parties claim to have been assaulted. The arresting officer
21 shall attempt to identify and shall arrest the party [he] the
22 officer believes is the primary physical aggressor. The term
23 "primary physical aggressor" is defined as the most significant,
24 rather than the first, aggressor. The law enforcement officer
25 shall consider any or all of the following in determining the
26 primary physical aggressor:

27 (1) The intent of the law to protect victims [of domestic
28 violence] from continuing [abuse] domestic violence;

29 (2) The comparative extent of injuries inflicted or serious

1 threats creating fear of physical injury;

2 (3) The history of domestic violence between the persons
3 involved.

4 No law enforcement officer investigating an incident of [family]
5 domestic violence shall threaten the arrest of all parties for
6 the purpose of discouraging requests or law enforcement
7 intervention by any party. Where complaints are received from
8 two or more opposing parties, the officer shall evaluate each
9 complaint separately to determine whether [he] the officer should
10 seek a warrant for an arrest.

11 4. In an arrest in which a law enforcement officer acted in
12 good faith reliance on this section, the arresting and assisting
13 law enforcement officers and their employing entities and
14 superiors shall be immune from liability in any civil action
15 alleging false arrest, false imprisonment or malicious
16 prosecution.

17 5. When a person against whom an order of protection has
18 been entered fails to surrender custody of minor children to the
19 person to whom custody was awarded in an order of protection, the
20 law enforcement officer shall arrest the respondent, and shall
21 turn the minor children over to the care and custody of the party
22 to whom such care and custody was awarded.

23 6. The same procedures, including those designed to protect
24 constitutional rights, shall be applied to the respondent as
25 those applied to any individual detained in police custody.

26 7. A violation of the terms and conditions, with regard to
27 [abuse] domestic violence, stalking, child custody, communication
28 initiated by the respondent or entrance upon the premises of the
29 petitioner's dwelling unit or place of employment or school, or

1 being within a certain distance of the petitioner or a child of
2 the petitioner, of an ex parte order of protection of which the
3 respondent has notice, shall be a class A misdemeanor unless the
4 respondent has previously pleaded guilty to or has been found
5 guilty in any division of the circuit court of violating an ex
6 parte order of protection or a full order of protection within
7 five years of the date of the subsequent violation, in which case
8 the subsequent violation shall be a class D felony. Evidence of
9 prior pleas of guilty or findings of guilt shall be heard by the
10 court out of the presence of the jury prior to submission of the
11 case to the jury. If the court finds the existence of such prior
12 pleas of guilty or finding of guilt beyond a reasonable doubt,
13 the court shall decide the extent or duration of sentence or
14 other disposition and shall not instruct the jury as to the range
15 of punishment or allow the jury to assess and declare the
16 punishment as a part of its verdict.

17 8. A violation of the terms and conditions, with regard to
18 [abuse] domestic violence, stalking, child custody, communication
19 initiated by the respondent or entrance upon the premises of the
20 petitioner's dwelling unit or place of employment or school, or
21 being within a certain distance of the petitioner or a child of
22 the petitioner, of a full order of protection shall be a class A
23 misdemeanor, unless the respondent has previously pleaded guilty
24 to or has been found guilty in any division of the circuit court
25 of violating an ex parte order of protection or a full order of
26 protection within five years of the date of the subsequent
27 violation, in which case the subsequent violation shall be a
28 class D felony. Evidence of prior pleas of guilty or findings of
29 guilt shall be heard by the court out of the presence of the jury

1 prior to submission of the case to the jury. If the court finds
2 the existence of such prior plea of guilty or finding of guilt
3 beyond a reasonable doubt, the court shall decide the extent or
4 duration of the sentence or other disposition and shall not
5 instruct the jury as to the range of punishment or allow the jury
6 to assess and declare the punishment as a part of its verdict.
7 For the purposes of this subsection, in addition to the notice
8 provided by actual service of the order, a party is deemed to
9 have notice of an order of protection if the law enforcement
10 officer responding to a call of a reported incident of [abuse]
11 domestic violence, stalking, or violation of an order of
12 protection presented a copy of the order of protection to the
13 respondent.

14 9. Good faith attempts to effect a reconciliation of a
15 marriage shall not be deemed tampering with a witness or victim
16 tampering under section 575.270.

17 10. Nothing in this section shall be interpreted as
18 creating a private cause of action for damages to enforce the
19 provisions set forth herein.

20 455.503. 1. A petition for an order of protection for a
21 child shall be filed in the county where the child resides, where
22 the alleged incident of [abuse] domestic violence or stalking
23 occurred, or where the respondent may be served.

24 2. Such petition may be filed by any of the following:

25 (1) A parent or guardian of the victim;

26 (2) A guardian ad litem or court-appointed special advocate
27 appointed for the victim; or

28 (3) The juvenile officer.

29 455.505. 1. An order of protection for a child who has

1 been subject to domestic violence by a present or former [adult]
2 household member or person stalking the child may be sought under
3 sections 455.500 to 455.538 by the filing of a verified petition
4 alleging such domestic violence or stalking by the respondent.

5 2. A child's right to relief under sections 455.500 to
6 455.538 shall not be affected by [his] the child's leaving the
7 residence or household to avoid domestic violence.

8 3. Any protection order issued pursuant to sections 455.500
9 to 455.538 shall be effective throughout the state in all cities
10 and counties.

11 455.513. 1. Upon the filing of a verified petition under
12 sections 455.500 to 455.538, for good cause shown in the
13 petition, and upon finding that no prior order regarding custody
14 is pending or has been made or that the respondent is less than
15 seventeen years of age, the court may immediately issue an ex
16 parte order of protection. An immediate and present danger of
17 [abuse] domestic violence or stalking to a child shall constitute
18 good cause for purposes of this section. An ex parte order of
19 protection entered by the court shall be in effect until the time
20 of the hearing. The court shall deny the ex parte order and
21 dismiss the petition if the petitioner is not authorized to seek
22 relief pursuant to section 455.505.

23 2. Upon the entry of the ex parte order of protection, the
24 court shall enter its order appointing a guardian ad litem or
25 court-appointed special advocate to represent the child victim.

26 3. If the allegations in the petition would give rise to
27 jurisdiction under section 211.031, the court may direct the
28 children's division to conduct an investigation and to provide
29 appropriate services. The division shall submit a written

1 investigative report to the court and to the juvenile officer
2 within thirty days of being ordered to do so. The report shall
3 be made available to the parties and the guardian ad litem or
4 court-appointed special advocate.

5 4. If [an ex parte order is entered and] the allegations in
6 the petition would give rise to jurisdiction under section
7 211.031 because the respondent is less than seventeen years of
8 age, the court may issue an ex parte order and shall transfer the
9 case to juvenile court for a hearing on a full order of
10 protection. Service of process shall be made pursuant to section
11 455.035.

12 455.520. 1. Any ex parte order of protection granted under
13 sections 455.500 to 455.538 shall be to protect the victim from
14 domestic violence or stalking and may include such terms as the
15 court reasonably deems necessary to ensure the [petitioner's]
16 victim's safety, including but not limited to:

17 (1) Restraining the respondent from [abusing, threatening
18 to abuse] committing or threatening to commit domestic violence,
19 stalking, molesting, or disturbing the peace of the victim;

20 (2) Restraining the respondent from entering the family
21 home of the victim except as specifically authorized by the
22 court;

23 (3) Restraining the respondent from communicating with the
24 victim in any manner or through any medium, except as
25 specifically authorized by the court;

26 (4) A temporary order of custody of minor children.

27 2. No ex parte order of protection excluding the respondent
28 from the family home shall be issued unless the court finds that:

29 (1) The order is in the best interests of the child or

1 children remaining in the home;

2 (2) The verified allegations of domestic violence present a
3 substantial risk to the child or children unless the respondent
4 is excluded; and

5 (3) A remaining adult family or household member is able to
6 care adequately for the child or children in the absence of the
7 excluded party.

8 455.523. 1. Any full order of protection granted under
9 sections 455.500 to 455.538 shall be to protect the victim from
10 domestic violence and stalking may include such terms as the
11 court reasonably deems necessary to ensure the petitioner's
12 safety, including but not limited to:

13 (1) Temporarily enjoining the respondent from [abusing]
14 committing domestic violence, threatening to [abuse] commit
15 domestic violence, stalking, molesting, or disturbing the peace
16 of the victim;

17 (2) Temporarily enjoining the respondent from entering the
18 family home of the victim, except as specifically authorized by
19 the court;

20 (3) Temporarily enjoining the respondent from communicating
21 with the victim in any manner or through any medium, except as
22 specifically authorized by the court.

23 2. When the court has, after hearing for any full order of
24 protection, issued an order of protection, it may, in addition:

25 (1) Award custody of any minor child born to or adopted by
26 the parties when the court has jurisdiction over such child and
27 no prior order regarding custody is pending or has been made, and
28 the best interests of the child require such order be issued;

29 (2) Award visitation;

1 (3) Award child support in accordance with supreme court
2 rule 88.01 and chapter 452;

3 (4) Award maintenance to petitioner when petitioner and
4 respondent are lawfully married in accordance with chapter 452;

5 (5) Order respondent to make or to continue to make rent or
6 mortgage payments on a residence occupied by the victim if the
7 respondent is found to have a duty to support the victim or other
8 dependent household members;

9 (6) Order the respondent to participate in a court-approved
10 counseling program designed to help [child abusers] stop violent
11 behavior or to treat substance abuse;

12 (7) Order the respondent to pay, to the extent that he or
13 she is able, the costs of his or her treatment, together with the
14 treatment costs incurred by the victim;

15 (8) Order the respondent to pay a reasonable fee for
16 housing and other services that have been provided or that are
17 being provided to the victim by a shelter for victims of domestic
18 violence.

19 455.538. 1. When a law enforcement officer has probable
20 cause to believe that a party, against whom a protective order
21 for a child has been entered, has committed an act [of abuse] in
22 violation of that order, [he] the officer shall have the
23 authority to arrest the respondent whether or not the violation
24 occurred in the presence of the arresting officer.

25 2. When a person, against whom an order of protection for a
26 child has been entered, fails to surrender custody of minor
27 children to the person to whom custody was awarded in an order of
28 protection, the law enforcement officer shall arrest the
29 respondent, and shall turn the minor children over to the care

1 and custody of the party to whom such care and custody was
2 awarded.

3 3. The same procedures, including those designed to protect
4 constitutional rights, shall be applied to the respondent as
5 those applied to any individual detained in police custody.

6 4. (1) Violation of the terms and conditions of an ex
7 parte or full order of protection with regard to [abuse] domestic
8 violence, stalking, child custody, communication initiated by the
9 respondent, or entrance upon the premises of the victim's
10 dwelling unit or place of employment or school, or being within a
11 certain distance of the petitioner or a child of the petitioner,
12 of which the respondent has notice, shall be a class A
13 misdemeanor, unless the respondent has previously pleaded guilty
14 to or has been found guilty in any division of the circuit court
15 of violating an ex parte order of protection or a full order of
16 protection within five years of the date of the subsequent
17 violation, in which case the subsequent violation shall be a
18 class D felony. Evidence of a prior plea of guilty or finding of
19 guilt shall be heard by the court out of the presence of the jury
20 prior to submission of the case to the jury. If the court finds
21 the existence of a prior plea of guilty or finding of guilt
22 beyond a reasonable doubt, the court shall decide the extent or
23 duration of sentence or other disposition and shall not instruct
24 the jury as to the range of punishment or allow the jury to
25 assess and declare the punishment as a part of its verdict.

26 (2) For purposes of this subsection, in addition to the
27 notice provided by actual service of the order, a party is deemed
28 to have notice of an order of protection for a child if the law
29 enforcement officer responding to a call of a reported incident

1 of [abuse] domestic violence or stalking or violation of an order
2 of protection for a child presents a copy of the order of
3 protection to the respondent.

4 5. The fact that an act by a respondent is a violation of a
5 valid order of protection for a child shall not preclude
6 prosecution of the respondent for other crimes arising out of the
7 incident in which the protection order is alleged to have been
8 violated.

9 527.290. 1. Public notice of such a change of name shall
10 be given at least three times in a newspaper published in the
11 county where such person is residing, within twenty days after
12 the order of court is made, and if no newspaper is published in
13 [his] the person's or any adjacent county, then such notice shall
14 be given in a newspaper published in the City of St. Louis, or at
15 the seat of government.

16 2. Public notice of such name change through publication as
17 required in subsection 1 of this section shall not be required,
18 and any system operated by the judiciary that is designed to
19 provide public case information electronically shall not post the
20 name change, if the petitioner is:

21 (1) The victim of a crime, the underlying factual basis of
22 which is found by the court on the record to include an act of
23 domestic violence, as defined in section 455.010;

24 (2) The victim of child abuse, as defined in section
25 210.110; or

26 (3) The victim of [abuse] domestic violence by a family or
27 household member, as defined in section 455.010."; and

28 Further amend the title and enacting clause accordingly.

